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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,463	03/03/2005	Konstantinos Poulakis	48435	3103

1609 7590 03/08/2007  
ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.  
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WASHINGTON,, DC 20036

EXAMINER
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BEFUMO, JENNA LEIGH

ART UNIT	PAPER NUMBER
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1771

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/526,463

Applicant(s)

POULAKIS, KONSTANTINOS

Examiner

Jenna-Leigh Befumo

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 03 March 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 3/05.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Preliminary Amendment***

1. The amendment filed on March 3, 2005 has been entered. Claims 3, 4, 8, 10, and 11 have been amended. Thus, claims 1 – 11 are pending.

### ***Drawings***

2. The drawings are objected to because in Figure 1 it is hard to tell where loop yarns passes under or over the warp and weft yarns present in the base fabric.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the woven fabric with fastener hooks, the superposed loops, and the loops extending below the base fabric must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 5 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
7. The structure recited in claim 5 is indefinite. It is unclear what structure is required by the term “superposed loop”. Further, what is meant by “immediately following”? Does the second loop need to be formed before the yarn passes under or over another weft yarn? Can the yarn pass over or under a few weft yarns before making the loop “immediately following”?
8. The structure recited in claim 6 is indefinite. What is meant by the phrase “for the purpose of extension below the base fabric, below a weft filament which is displaced, two warp filaments, and two weft filaments”? Does the loop actually extend below the base fabric and these other filaments, or not? Is the loop formed below the base fabric? Further, how is the weft filament displaced? It is unclear what the weave structure of the claimed pattern would require.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1 – 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Okawa (EP 0 604 869 A1).

Okawa discloses a woven loop pile fabric (abstract). The fabric comprises weft yarns, warp yarns, and fastening elements (abstract). The fastening elements the fastening elements form an open, U-shaped loop followed by a closed, circular loop, creating a repeat of at least four wefts (Figures 1 and 2). Further, the loop passes over 2 warp yarns and then back (Figures 1 and 2). The base fabric formed by the warp and weft yarns is woven in an over/under pattern, so that the weft yarns pass over and then under the warp yarns. Further, the warp yarns form a sinusoidal curve pattern, as shown in Figure 2. Thus, claims 1 – 7 are anticipated.

Further, the loops can be processed or cut to create hooks (column 2, lines 52 – 56). Thus, claims 8 and 9 are anticipated.

The warps and weft filaments of the base fabric can be made from multifilament yarns (column 4, lines 23 – 25). Thus, claims 10 is anticipated.

### ***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okawa '869 in view of Okawa et al. (EP 1 129 639 A1).

The features of Okawa '869 have been set forth above. Okawa '869 fails to teach the type of materials used to make the woven or knit fastener fabric. Okawa et al. '639 is drawn to a fastener fabric. Okawa et al. '639 discloses that the filaments in the fastener fabric can be produced from polyamide, polyester, or polypropylene materials (column 5, lines 35 – 36). Thus, it would have been

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obvious to one having ordinary skill in the art to use polyamide or polypropylene materials, as taught by Okawa et al. '639 to make the woven fastener fabric taught by Okawa '869 since Okawa et al. '639 teaches that these materials can be used in woven fastener fabrics. Further, it is within the general skill level of the art to choose known materials to make woven fabrics from. Thus, claim 11 is rejected.

***Conclusion***

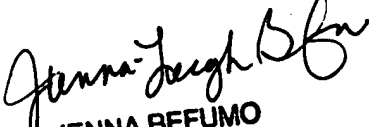
13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Okawa (US 2001/0035225 A1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenna-Leigh Befumo whose telephone number is (571) 272-1472. The examiner can normally be reached on Monday - Friday (8:00 - 5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jlb  
March 2, 2007

  
JENNA BEFUMO  
PRIMARY EXAMINER